

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 6083 of 2005

Date of decision : 25.1.2007.

...

Parties Name

The Oriental Insurance Company Limited

..... Petitioner

vs.

Jareena and others

..... Respondents

Coram: Hon'ble Mr. Justice S.N. Aggarwal

Present: Sh. D.P. Gupta, Advocate
for the petitioner.

Sh. R.S. Mamli, Advocate
for the respondents.

...

S.N. Aggarwal, J.

The petitioner -Insurance Company was the respondent in the learned trial Court in the claim petition filed by respondents No. 1 and 2. In the said claim petition, the petitioner-Insurance Company had filed an application under Section 170 of the Motor Vehicles Act for permission to take all those legal objections which were available to the driver/owner on the plea that the driver and owner have colluded with the claimants. The said application was dismissed by the learned trial Court vide impugned order dated 14.9.2005 on the

plea that since the driver and owner have filed the written statement and have contested the claim petition, therefore the collusion is not made out.

Hence, the revision petition.

On the face of it when the driver and owner have filed the written statement and have contested the claim petition filed by respondents No. 1 and 2, there is no ground to interfere with the order passed by the learned Motor Accident Claims Tribunal, Jagadhri.

Dismissed.

However, the petitioner is granted liberty to file a fresh application, if any ground is made out to show collusion of the driver and owner with the claimants and the learned trial Court shall decide the said application in accordance with law.

(S.N.Aggarwal)
Judge

25.1.2007.
chug